

**From:** Smith, Monica  
**To:** [Broyles, Ragan](#)  
**Cc:** [Gray, David](#); [Edlund, Carl](#)  
**Subject:** RE: draft boxer response questions 1 and 8 see highlighted language per Carl's comment  
**Date:** Tuesday, May 07, 2013 12:36:00 PM  
**Attachments:** [west boxer questions 1.8 revised.docx](#)

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1. Describe EPA's investigation of the West, Texas facility, including timelines and scope.

**2006 RMP Inspection:**

EPA Region 6 conducted a Risk Management Plan (RMP) inspection at the non-title V West Chemical & Fertilizer Co. on March 16, 2006. The inspection included a walkthrough of the plant to observe the processes and the equipment, as well as a review of the facilities RMP and associated records. The inspection was conducted by one of the Region's RMP inspectors, using the National RMP Program's Level 2 inspection checklist. The checklist used included all modifications incorporated by OECA through March 14, 2005. Violations identified by the inspector included:

- failure to timely update the RMP (the update due on 2004 had not been submitted), including updating the Hazard Assessment and Hazard Review,
- failure to include consequences of deviation in operating procedures,
- failure to properly document new operator training, and
- failure to develop a formal mechanical integrity program, and failure to conduct compliance audits.

In accordance with the approved penalty policy and matrix which was in place in 2006, on June 5, 2006 the Region issued a proposed Expedited Settlement Agreement (ESA) assessing a penalty of \$2,300 to West Chemical & Fertilizer Co. West Chemical & Fertilizer submitted its updated RMP on July 7, 2006, paid the penalty and the ESA was issued final August 14, 2006.

**2013 after incident investigation/inspection:**

Once the property where the former West Chemical & Fertilizer Co. was located, has been released by the ATF, the Regional RMP inspectors will visit the facility, to conduct further investigations in coordination with other Federal Agencies. **We will evaluate all available records and interview transcripts with regard to the 112 (r) program.**

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**From:** Broyles, Ragan  
**Sent:** Tuesday, May 07, 2013 12:26 PM  
**To:** Smith, Monica  
**Subject:** FW: draft boxer response questions 1 and 8

[Address Carl's comment and send to David.](#)

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**From:** Edlund, Carl  
**Sent:** Tuesday, May 07, 2013 11:37 AM  
**To:** Broyles, Ragan; Phillips, Pam  
**Cc:** Gray, David  
**Subject:** Re: draft boxer response questions 1 and 8

[Looks OK except I'd add in EPA's 2013 RMP investigation that we would evaluate all available records and interview transcripts in regard to 112 \(r\).....visiting the blast site won't be very](#)



informative by itself.

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**From:** Broyles, Ragan  
**Sent:** Tuesday, May 07, 2013 10:58:32 AM  
**To:** Phillips, Pam; Edlund, Carl  
**Subject:** FW: draft boxer response questions 1 and 8

Please review the proposed responses and forward to David Gray for review if they are acceptable

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**From:** Smith, Monica  
**Sent:** Tuesday, May 07, 2013 9:03 AM  
**To:** Broyles, Ragan  
**Subject:** FW: draft boxer response questions 1 and 8

Did Carl send this up to David?

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**From:** Smith, Monica  
**Sent:** Friday, May 03, 2013 12:02 PM  
**To:** Broyles, Ragan; Petersen, Chris; Edlund, Carl; Goodfellow, Bob; Mason, Steve  
**Subject:** draft boxer response questions 1 and 8

All - Here is the response to questions 1 & 8. Kim Jennings (OEM) asked for a response to questions 1 and 8 by Tuesday May 7.

Carl – if this meets your approval, I ask that you share it with David Gray for his review.

Bob and Steve – please send your draft responses to the other questions to Ragan, Chris P and myself so we can review them prior to sending them to Carl. If possible send them on by noon on Monday so any modifications can be made prior to Ragan/Chris sharing them with Carl. Steve Mason and Bob Goodfellow are reviewing the other 8 questions to see if they have a regional perspective we may want to provide to the national response, in particular to questions 6, 7, and 9.

Question 6: How often are those covered facilities inspected by EPA officials  
Question 7: Who at EPA has lead responsibility for Sec 112(r ) of the Clean Air Act, and how does EPA ensure that oversight is regularly conducted at covered facilities?  
Question 9: Explain how EPA works with other agencies at the local, state, and federal level to plan for accident prevention.

I am sending this message to each of you as I will be out on furlough Monday (6:45am -8:45 am) and on leave the remainder of the day. On Tuesday, I am scheduled to work Flexiplace, have a doctor appointment at 1:40 pm and am taking 1 hour of furlough on Tuesday 3:15-4:15pm.

Monica

Monica Smith

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